

CONSTRUCTION

Appropriation Language

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, [\$307,362,000] \$324,362,000, to remain available until expended, of which \$17,000,000 for modified water deliveries to Everglades National Park shall be derived by transfer from unobligated balances in the "Land Acquisition and State Assistance" account for Everglades National Park land acquisitions [\$500,000 for the L.Q.C. Lamar House National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a]: *Provided*, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of \$5,000,000, without advance [approval of] *notification* to the House and Senate Committees on Appropriations: *Provided further*, That[,] notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance [approval of] *notification* to the House and Senate Committees on Appropriations: *Provided further*, That these restrictions do not apply to the Flight 93 Memorial: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108-108: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: *Provided further*, That the National Park Service may use funds provided herein to construct a parking lot and connecting trail on leased, non-Federal land in order to accommodate visitor use of the Old Rag Mountain Trail at Shenandoah National Park, and may for the duration of such lease use any funds available to the Service for the maintenance of the parking lot and connecting trail]. (Department of the Interior and Related Agencies Appropriations Act, 2005.)

[For an additional amount for "Construction", \$50,802,000, to remain available until expended, to address damages from natural disasters: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287.] (Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005.)

Justification of Major Proposed Language Changes

1. Addition: "\$17,000,000 for modified water deliveries to Everglades National Park shall be derived by transfer from unobligated balances in the "Land Acquisition and State Assistance" account for Everglades National Park land acquisitions"

Prior year balances related to the Everglades restoration project in the Land Acquisition appropriation are proposed to be transferred to the Construction appropriation for use on modified water deliveries.

2. Deletion: "\$500,000 for the L.Q.C. Lamar House National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a"

This project is not included in the FY 2006 request; therefore, the language is no longer necessary.

3. Replacement: "approval of" with "notification to"

Notification to, rather than approval of, the House and Senate Committees on Appropriations should be sufficient without compromising the effect of the restrictions.

4. Deletion: "Provided further, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate

Committees on Appropriations: Provided further, That the National Park Service may use funds provided herein to construct a parking lot and connecting trail on leased, non-Federal land in order to accommodate visitor use of the Old Rag Mountain Trail at Shenandoah National Park, and may for the duration of such lease use any funds available to the Service for the maintenance of the parking lot and connecting trail"

These projects are not included in the FY 2006 request; therefore, the language is no longer necessary.

5. Deletion: "For an additional amount for "Construction", \$50,802,000, to remain available until expended, to address damages from natural disasters: Provided, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287."

Specific items from FY 2005 will no longer be applicable.

Appropriation Language Citations

16 U.S.C. 1-1c creates the National Park Service to promote and regulate the use of national park areas for their conservation and enjoyment and provides authority for administering areas within the National Park System, thus implying authority for construction, construction planning, and equipment replacement for these purposes. Specific authority is provided in 16 U.S.C. 1a-5 and 1a-7 for general management plans for national park areas and for studies of areas which may have potential for inclusion in the National Park System. (Also, Congress has enacted limited authorizations for appropriations for specific construction projects.)

16 U.S.C. 7a-7e provides specific authority for the Secretary of the Interior to plan, acquire, establish, construct, enlarge, improve, maintain, equip, regulate, and protect airports in, or in close proximity to national parks, monuments, and recreation areas when such airport is included in the current national airport plan of the Secretary of Transportation.

16 U.S.C. 461-467 provides specific authority for the Secretary of the Interior to acquire property and to restore, reconstruct, rehabilitate, preserve, and maintain historic and prehistoric sites, buildings, objects, and properties of national historical or archeological significance.

1. including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989,
16 U.S.C. 410r-8, Section 104, the Everglades National Park Protection and Expansion Act of 1989 (Public Law 101-229). Section 104 authorizes certain modifications at Everglades National Park.

16 U.S.C. 410r-6(f), Section 102(f), the Everglades National Park Protection and Expansion Act of 1989. Section 102(f) authorizes appropriations for this purpose.
1. \$324,326,000, to remain available until expended,
 No specific authority

This appropriation involves development programs which require more than a one-year cycle from their beginning stages through the actual construction of facilities. This applies to both preauthorization planning for areas that have been proposed as additions to the National Park System, and post-authorization planning for existing areas and those newly added to the National Park System. Both of these are preceded by reconnaissance studies that vary in style and duration and can be relatively simple or extremely complex. It is in the latter situation where more than a year may be required for completion of a program.